

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 11, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWNEE BIRDTAIL,

Defendant.

No. 2:19-CR-00008-SAB-3

ORDER FOLLOWING INITIAL
APPEARANCE AND
ARRAIGNMENT

**MOTION GRANTED
(ECF No. 45)**

At Defendant's February 8, 2019, initial appearance and arraignment based on a Superseding Indictment, Defendant appeared, in custody, with attorney Gordon Stoa. Assistant U.S. Attorney Patrick Cashman represented the United States.

Defendant was advised of, and acknowledged, her rights. On her plea of not-guilty, Defendant is bound over to the United States District Court for trial.

The Court held a hearing on the United States motion for detention, **ECF No. 45**. The Court considered the Report of Pretrial Services, **ECF No. 47**, and the argument of counsel.

The government contended that if released, Defendant would present both a risk of flight and a danger to the safety of the community.

This Court has taken into account the nature and circumstances of the offense charged, the weight of the evidence against the Defendant, as well as Defendant's history and characteristics, including character, physical and mental condition, family ties, employment, financial resources, length of residence in the

1 community, community ties, past conduct and history relating to alcohol and drug
2 abuse, and also criminal history, record concerning appearance at court
3 proceedings, whether Defendant was under supervision at the time of the alleged
4 offense, and the nature and seriousness of the danger to the community posed by
5 Defendant's release.

6 The Court finds the United States has established by the required
7 preponderance of evidence an absence of conditions or combination of conditions
8 that would reasonably assure this Defendant's presence at trial and has established
9 by clear and convincing evidence that no conditions or combination of conditions
10 reasonably assure the safety of other persons or the community.

11 **IT IS ORDERED :**

12 1. The United States' Motion for Detention, **ECF No. 45**, is
13 **GRANTED**. Defendant shall be held in detention pending disposition of this case
14 or until further order of the court.

15 2. Defendant is committed to the custody of the U.S. Marshal for
16 confinement separate, to the extent practicable, from persons awaiting or serving
17 sentences or being held in custody pending appeal.

18 3. Defendant shall be afforded reasonable opportunity for private
19 consultation with counsel.

20 4. If a party desires this Court to reconsider conditions of release
21 because of material and newly discovered circumstances pursuant to 18 U.S.C. §
22 3142(f), that party shall file a two-page motion for reconsideration succinctly
23 stating what circumstances are new, how they are established, and the requested
24 change in conditions of release. The motion shall indicate whether opposing
25 counsel or Pretrial Services object, whether a hearing is desired, and whether a
26 supplemental pretrial report is requested. This Court will treat the motion as
27 expedited and submitted without argument and will set a hearing or issue other
28 orders as may be appropriate.

1 5. If a party desires that another Court review this order pursuant to 18
2 U.S.C. § 3145, that party shall promptly file a motion for review before the district
3 judge to whom the case is assigned, as further described in the Detention Order
4 Review Protocol published for the Eastern District of Washington. Both parties
5 shall cooperate to ensure that the motion is promptly determined.

6 **IT IS SO ORDERED.**

7 DATED February 11, 2019.

A handwritten signature in black ink, appearing to be "M", is written above a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE